

February 3, 2005

WEST VIRGINIA BULLETIN NO: WV300-5-7

SUBJECT: LTP- Grassland Reserve Program (GRP)

Purpose: To provide NRCS and FSA employees with a program overview, WV Policy and FY-2005 Ranking Criteria.

Expiration Date: September 30, 2005

The Grassland Reserve Program (GRP) is authorized by the Food Security Act of 1985, as amended by the Farm Security and Rural Investment Act of 2002. The Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA) will administer the program, in cooperation with the USDA Forest Service. NRCS and FSA will accept sign ups and rank applications received before February 18, 2005 for FY-05 funding.

We will hold a joint teleconference Friday, February 11, 2005 at 10:00 am to 12:00 pm for District Conservationist and County Executive Directors to review the program and highlight changes to the 2005 GRP Ranking Criteria Sheet. The West Virginia State Technical Committee recommended these changes at their January 20, 2005 Meeting. Call in information will be sent separately.

This bulletin transmits West Virginia Policy and documents the State Conservationist and State Executive Director Decision for FY-05. The Interim Final Rule, draft 2003 GRP Manual and Joint GRP Letter from the NRCS Chief and FSA Administrator, will be utilized for program guidance.

The Farm Security and Rural Investment Act of 2002, states “the Secretary shall enroll in the program from a willing owner not less than 40 contiguous acres of land ...” This Act continues to state “The Secretary may enroll in the program such parcels of land that are less than 40 acres as the Secretary determines are appropriate to achieve the purposes of the program.” As part of West Virginia Policy, the State Conservationist will consider a waiver for applications of parcels of land that are 20 to 40 acres on a case by case basis. The criteria for consideration of a waiver by the State Conservationist are listed on the Grassland Reserve Program 2005 Ranking Criteria Worksheet.

Priority will be included in the ranking criteria for grazing viable grassland operations and areas established by West Virginia Department of Natural Resources that are bird habitat areas of concern. Areas enrolled in GRP will be maintained to the Resource Management System level for forage management.

The approved FY-05 Environmental Quality Incentive Program cost lists by Local Work Groups (LWG) will be used in determining practice cost. The cost share rate for all restoration agreements will be the same as the LWG EQIP rates. The cost for practices 595 and 314 is a flat rate of \$30.00 per acre of treatment. The treatment area is the amount of the offer area that actually requires treatment. The treatment acres will be determined by field.

The approved practices available for cost share in restoration contracts are:

- 528 – Prescribed Grazing**
- 512 – Pasture Hayland Planting**
- 314 – Brush Management**
- 342 – Critical Area Planting**
- 595 – Pest Management**
- Fencing practices offered in EQIP**
- Watering Practices offered in EQIP**

Other practices approved by the program manager and SRC.

Fields that have received cost share for any of the above practices under other USDA programs are not eligible to receive GRP cost sharing for that practice.

To insure consistency in ranking all GRP applications, we will utilize a team approach including the Area Grassland Specialists starting with the FY-05 program year. DCs will need to coordinate with their Area Grassland Specialist prior to ranking.

Please refer to the 2005 Ranking Criteria, Overview, Bird Concern Maps, WV GRP Worksheet-01, and GRP Timeline, to assist with the sign up and ranking. These above items, along with links to the national page, Fact Sheets, Question and Answers and Key Points are located on the WV Web Page under the Programs Tab located at the top of the page, then select the Grassland Reserve Program (GRP) link.

For applications to receive consideration, please send by fax to 304-255-1250 the requested items (1 thru 5) from the Application Submission Check List on the WV GRP Worksheet-01 to Jerry Brackenrich, Resource Conservationist in the Beckley Area Office no later than Wednesday, March 9, 2005.

If you have questions or need additional information, please contact your Area Grassland Specialist or Jerry Brackenrich at (304) 255-9225 ext. 131 or Kevin Hinkle, Program Specialist at 304-284-4805.

/s/

LILLIAN V. WOODS
State Conservationist

/s/

JOHN B. RADER
Executive Director

Attachments:

- 2005 GRP Timeline
- Summary of Revisions to GRP Con. Easement Deed
- [2005 WV GRP Worksheet-01](#)
- [2005 Ranking Criteria](#)
- [NRCS-CPA-255-GRP Conservation Easement](#)
- [WV GRP Home Page](#)

DIST:

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County Executive Directors
District Directors

Kevin Hinkle, Ag. Program Specialist, Morgantown, WV
Herb Andrick, Acting ASTC-P, Morgantown, WV
Jerry Brackenrich, Res. Cons., Beckley, WV
Barbara Greenleaf, Area Grassland Specialist, Parkersburg AO
Gary Redden, Area Grassland Specialist, Beckley AO
Ray Cragar, Area Grassland Specialist, Philippi AO
Butch Woodson, RC, Morgantown, WV

**2005
Grassland Reserve Program
Timeline**

Feb. 11, 2005	NRCS & FSA Statewide Training
Feb 18, 2005	End of Ranking Period
March 9, 2005	Area Teams complete ranking of applications. All GRP applications and ranking data are entered into ProTracts.
March 15, 2005	Selection and notify FO applications selected.
March 30, 2005	Landowner intent to proceed signed and returned to State Office.
	Letter of “Intent to Proceed” signed.
	Rental Agreement Approved.

Summary of Revisions to Grassland Reserve Program Conservation Easement Deed (12/2004)

Deed Section/Provision Revised	Original Deed Language	Revised Deed Language
<p><u>SECTION I. RECITALS AND CONSERVATION PURPOSES</u></p> <p>Paragraph C.</p> <p>Paragraph D.</p>	<ul style="list-style-type: none"> • Terms “preserve and protect” are revised to: • Term “water quality” is deleted 	<ul style="list-style-type: none"> • “restore and conserve” • added terms ”related” and “biodiversity”
<p><u>SECTION II. PURPOSES</u></p> <p>Paragraph explaining primary purpose of easement deed</p>	<ul style="list-style-type: none"> • Terms “preservation and protection of natural habitat, wildlife habitat, biodiversity, and other conservation values....” are revised to: 	<ul style="list-style-type: none"> • “enhancement and protection of wildlife habitat, biodiversity, and other conservation values....”
<p><u>SECTION III. PERMITTED, PROHIBITED, RESTRICTED AND RESERVED ACTIVITIES</u></p> <p>Paragraph A. Grassland Uses of the Property</p>	<ul style="list-style-type: none"> • Terms “Grantor reserves the right to graze, hay, harvest for seed production, and mow” has been revised to read: • Language in Paragraph A. of old Deed, referring to maintaining existing watering facilities and placement of new watering facilities, has been moved to Section III. Paragraph K. in revised Deed (page 4). 	<ul style="list-style-type: none"> • “Grantor shall be permitted to graze, hay, harvest for seed production, mow, construct firebreaks, conduct fire rehabilitation activities, ad conduct common grazing practices, including maintenance and necessary cultural practices, consistent with the conservation purposes of this Deed.” As used in this Deed, the term ‘common grazing practices’ means those practices customary to the region where the Property is located related to livestock grazing and includes forage management and necessary cultural practices such as the infrastructure required to conduct livestock grazing on the Property

<p>SECTION III. Permitted Uses (cont.)</p> <p>Paragraph M. Roads & Impervious Surfaces (revised easement)</p> <p>Paragraph O. Recreational Uses (revised Deed)</p> <p>Paragraph P. Motorized Vehicle Use (revised Deed)</p> <p>Paragraph U. Utilities (revised Deed)</p>	<ul style="list-style-type: none"> • The original Deed (paragraph K.) provided for maintenance of existing roads but prohibited the construction of any new roads of any kind. • Language referring to Recreational Uses is now found in paragraph O. of revised Deed. • Original Deed didn't contain specific language on uses of motorized vehicles • Language referring to Utilities in paragraph Q. of original Deed is found under paragraph U. in revised Deed. • Original Deed language prohibited the installation of new overhead or underground utilities such as electrical, gas, water, sewer or other public or private utilities. 	<ul style="list-style-type: none"> • Revised Deed (paragraph K.) provides for the maintenance of existing roads and permits the construction of new roads, as determined in advance and in writing by NRCS, when necessary to conduct common grazing practices, and the viability of grassland and other conservation values are maintained. • Term “non-motorized” has been removed • Revised Deed (paragraph P.) contains language that prohibits the use of off-road vehicle courses for snowmobiles, motorcycles, ATVs, or other motorized vehicles. • Revised Deed (paragraph U.) allows for the installation of new <u>underground</u> utilities, when in approved in writing and in advance by NRCS, when such activities result in only a temporary disturbance to the surface of the soil and are consistent with ensuring the viability of grassland and other conservation values. The construction of wind and solar energy generation facilities may be permitted when used for providing energy for ‘on-farm’ ranching-related activities.
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<p>SECTION VI. GENERAL TERMS</p> <p>Paragraph H. Environmental Warranty</p> <p>Paragraph I. Indemnification</p>	<ul style="list-style-type: none"> • Original Deed language has been revised to clarify adherence to “Environmental Laws” and liabilities for “Hazardous Materials”. • Original Deed language has been revised to clarify indemnification provisions. 	
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